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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Ester FRIDE et al.

Confirmation No.: 6091

Application No.: 09/698,071

Group Art Unit: 1621

Filing Date: October 30, 2000

Examiner: Samuel A. Barts

For: AGONISTS SPECIFIC FOR THE  
PERIPHERAL CANNABINOID RECEPTOR

Attorney Docket No.: 87754-7100

**PETITION FOR PATENT TERM ADJUSTMENT  
UNDER 37 C.F.R. § 1.705**

**Mail Stop Petitions**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Applicants hereby petition under 37 C.F.R. § 1.705 for reinstatement of the improperly reduced portion of the patent term adjustment indicated in the above-identified application.

Applicants have received the Notice of Allowance and Issue Fee Due, which indicates that the Patent Term Adjustment to date is 245 days. A review of the Patent Application Information Retrieval ("PAIR") record indicates a Patent Office delay of 101 days for failure to issue a first office action within 14 months after the date on which the application was filed. A further Patent Office delay of 155 days was charged for failure to issue an action or notice of allowance within four (4) months after the date a reply under 37 C.F.R. § 1.111 was filed. A delay of 11 days has been incorrectly charged against the Applicants, which appears to be in connection with the filing of the Response to Notice to File Missing Parts.

This application was filed on October 30, 2000, without a signed inventors' declaration. A Notice to File Missing Parts was mailed by the Patent Office on December 29, 2000. The Notice to File Missing Parts required the filing of a signed declaration and payment of the surcharge for late filing of the declaration. Applicants were given two (2) months from December 29, 2000 to reply to the Notice to File Missing Parts.

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On January 5, 2001, Applicants filed a Response to Notice to File Missing Parts, which included the required signed declaration and a provision to charge the required fees to the deposit account. Since Applicants Response was filed within the three month period set forth in 37 C.F.R. § 1.704(b), there can be no delay attributed to the actions of the Applicants in filing the Response.

The patent issuing from this application is not subject to a terminal disclaimer. Furthermore, it is respectfully submitted that Applicants did not fail to engage in reasonable efforts to conclude processing or examination of this application as set forth in 37 C.F.R. § 1.704. Applicants disagree with the patent term adjustment information printed on the Notice of Allowance and Issue Fee Due, and respectfully request that the Patent Office review the record of this application to determine the correct patent term adjustment available. The correct term is believed to be a total of 256 days.

A fee of \$200 is believed to be due for this Petition. Please charge the required fee to Winston & Strawn LLP Deposit Account No. 50/1814. As this petition was required due to a Patent Office error, it is respectfully requested that the petition fee be refunded or not be charged at all. It is respectfully submitted that it is improper and unfair to charge a fee to applicants for a Patent Office error that affects the patent term to which the applicants are entitled to by law.

Respectfully submitted,

9/22/04  
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Date

  
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Allan A. Fanucci (Reg. No. 30,256)

**WINSTON & STRAWN LLP**  
**Customer No. 28765**

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